REMARKS

Claims 1-36 are pending in the application. Claim 1 as now amended and original claims 2-4, 6-7 and 10-17 are under examination. Claims 18-36 are currently withdrawn.

Applicants wish to point out that no new matter is being hereby introduced in the claim. The specification at paragraphs 0068 has been amended to simply introduce definition for the terms already described therein and, to more specifically define that the viral protein is different from a retroviral nucleocapsid protein, meaning that the viral component is not a retroviral nucleocapsid protein.

Claims 1-4, 6-7 and 10-17 have been rejected under 35 U.S.C. §102 (a & e) as being anticipated by or, in alternative, under 35 U.S.C. §103(a) has being obvious over US Patent No 6,316,190 (Rein *et al.*). In addition, claims 1-4, 6-7 and 10-17 have been rejected under 35 U.S.C. §102 (b) as being anticipated by or, in alternative, under 35 U.S.C. §103(a) has being obvious over PCT WO 97/44064 (Rein *et al.*).

The Applicants wish to respectfully point out to the Examiner that claim 1 was amended to exclude the viral component from being a retroviral nucleocapsid protein. Rein *et al.*, in both documents, teaches assays where target molecules are assessed for their ability to inhibit binding of retroviral nucleocapsid proteins to selected nucleic acids (oligonucleotides). In the assays, retroviral nucleocapsid proteins, oligonucleotides comprising a substance which binds to a retroviral nucleocapsid protein with high affinity, and a target molecule are mixed, and the inhibitory effect on nucleocapsid-oligonucleotide binding is measured. Rein *et al.* also discloses additional oligonucleotides which bind to nucleocapsid proteins. Nowhere in Rein *et al.* is it disclosed or suggested assays for screening of compounds that alters binding of an oligonucleotide to at least one viral component that is not a retroviral nucleocapsid protein. On the contrary, the present application is claiming a method of screening to identify a compound that alters binding of

an oligonucleotide to at least one viral component which is different from a retroviral nucleocapsid protein. Rein *et al.* invention reveals that specific single stranded nucleic acid sequences (both RNA and DNA) bind nucleocapsid proteins. Nowhere in Rein *et al.* is there a teaching of single stranded nucleic acid sequences binding to other viral components and thus, for a person skilled in the art, Rein *et al.* does not teach or suggest the present invention. In consequence, claims 1-4, 6-7 and 10-17 are believed to be novel and inventive in regards to the teaching found in Rein *et al.*

In view of the above, reconsideration and withdrawal of the Examiner rejections under 35 U.S.C. §102(a & e) or under 35 U.S.C. §103(a), and rejection under 35 U.S.C. §102 (b) or under 35 U.S.C. §103(a) is earnestly requested.

It is submitted, therefore, that the claims are in condition for allowance.

No additional fees are believed to be necessitated by this amendment. Should this be in error, authorization is hereby given to charge Deposit Account No. 19-5113 for any underpayment or to credit any overpayment.

In the event that there are any questions concerning this Response, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully,

Date: April 24, 2006 By: 

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Christian Cawthorn
Name of person signing certification

Signature

April 24, 2006
Date